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### War Don Don and Fambol Tok

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**War Don Don (2010)**

Directed by Rebecca Richman Cohen

[www.wardondonfilm.com](http://www.wardondonfilm.com)

83 minutes

**Fambul Tok (2011)**

Directed by Sara Terry

[www.fambultok.com](http://www.fambultok.com)

82 minutes

The West African coastal country of Sierra Leone endured devastating civil warfare from 1991-2002. In the aftermath, the Sierra Leonean government invited the United Nations to establish an international war crimes tribunal to try those “most responsible” for the rape, amputation, and other atrocities forced upon the civilian population after 1996, when a new coalition government fueled the pillage of lives and resources instead of mitigating it. Neighboring Liberian head of state Charles Taylor and 13 other commanders representing three indistinct combatant groups -- civilian defense forces (CDF), state-sponsored soldiers (AFRC), and Revolutionary United Front rebels (RUF) -- were indicted and tried by the Special Court for Sierra Leone. In addition, the Sierra Leonean courts, engaging both formal and customary law, tried other selected commandoes for war-related crimes. A Truth and Reconciliation Commission (TRC) was also established, sponsored by both the United Nations and Sierra Leone. From 2002 – 4 the TRC assembled evidence and testimony for an “impartial” historical record, intended to be the basis for historical and personal understandings, not by the country’s courts or the Special Court. Despite these efforts, a great many offenses in this war remained inadequately addressed. Victims and combatants returned (or not) to destroyed communities, personal trauma, and ravaged economies.

Two recent documentaries focus on distinct Sierra Leonean reconciliation processes performed by the judiciary and by arbitration. Neither Sierra Leone’s judiciary nor the arbitration practices popular in the countryside are enough to redress Sierra Leone’s massive war wounds. Both have been augmented for application in the war’s aftermath.

Rebecca Richman Cohen's *War Don Don*, ("the war is over" in Krio, Sierra Leone's *lingua franca*) explores the Special Court's treatment of RUF commander Issa Sesay, one of the indicted who lived to stand trial. While a student at Harvard Law, Cohen interned with the defense in the AFRC-accused case (2004-7) and returned to film the RUF-accused segment of the trial that began in 2004 and ended in 2009.

Acclaimed as insightful critique of international justice, *War Don Don* highlights charges against the Special Court itself levied by Sesay's competent defense. The defense claims that Sesay is a scapegoat, unfairly and mistakenly singled out from combatant leaders for Special Court prosecution. They claim that Sesay's personal involvement in war crimes (forced labor, child conscription, rape, mutilation, sexual slavery) is uncertain, and they assert that Sesay's leadership in bringing peace by fronting RUF's surrender and disarmament near the end of the conflict merits more leniency than his 50+ year concurrent sentences reflect.

*War Don Don's* communion with the defense offers substantial argument about imperfections of international justice, about inequities of blame, and about compromised motives of witnesses provided materially improved lives in protective relocation. It follows from the defense's argument that none of the indicted combatants may reasonably bear responsibility for this war's horror due to the diffusion of responsibility and the inability for any international body to properly adjudicate it. But the Special Court would absolve perpetrators only at great cost to Sierra Leone's war-weary citizens and to an international community legitimately concerned with limiting clemency for war criminals.

Special Court Chief Prosecutor David Crane (2002-5) summarizes a central question facing arbiters of war: "Is the justice we [in this case, the international community] seek the justice they [Sierra Leoneans] want?" Falsely secure that it is, Crane overblows G. W. Bush-style the "army of evil," and the soullessness he discerns in the eyes of the accused. Crane's turgid opening remarks in the Sesay case ("these dogs of war, these hounds from hell unleashed...") draw satisfying approbation from Special Court Judge Benjamin Itoe. (In closing titles filmmakers note that Crane later became a commentator for NBC's reality TV show *The Wanted*, a post more befitting

his colorful rhetoric than that in which we make his acquaintance.) Crane's flagrant demonizing of the indicted only works to reinforce suspicion about the Court's ability to fairly investigate, indict, and convict. Crane's even-toned successor, Chief Prosecutor Stephen Rapp (2006-9) more rationally counters defense's Lead Defense Counsel Wayne Jordash's charges of the Special Court's injustice with reflection on Sesay's assessed individual accountability and the Special Court's national and international responsibilities. Rapp asserts that the Special Court of Sierra Leone rightly took into account commander Sesay's role in the peace process at war's end, but the Court also rightly did not exonerate Sesay for crimes he, and his organization, committed against his countrymen before he agreed to peace.

Sara Terry's *Fambul Tok* ("family talk" in Krio) takes its name from rural traditions of communal arbitration reinvigorated postwar by human rights activist and former TRC working group chairman John Caulker. Finding that the Special Court, the Sierra Leonean judiciary, and the TRC failed to provide interpersonal healing and local ownership required for communities to heal and rebuild, Caulker implemented his program of the same name to facilitate face-to-face reconciliation with community oversight.

*Fambul Tok* opens with dramatic culmination of at least a three-month process: a woman stands near a large bonfire with her Kailahun district neighbors gathered around. She tells a painful and tragically common war story: she was gang-raped. One of her attackers is present. She points; he is her uncle. She brings the accused forward. He admits his crime and speaks his remorse, adding that he was forced under threat of death to commit the rape. He begs her forgiveness. The remarkable part is: she forgives him. He gratefully embraces her. She takes his hand. They dance a little. Women of Sierra Leone have endured pervasive sexual violence, especially during the war, but before and since then as well. *Fambul Tok's* reconciliation offers a forum to address sex crimes, among others, for which the judiciary and traditional arbitration provide uncertain remedy.

A companion photo essay book (Caulker, John, Libby Hoffman, and Sara Terry. *Fambul Tok*, New York: Umbrage Editions, 2011) supplements the film with comment from founder John Caulker, filmmaker Sara Terry, and the organization's primary benefactor, Libby Hoffman. We learn that Fambul Tok tailors reconciliation, through preparation and follow-up, for each situation. Some offenders offer compensation in service or in material form. Some victims take longer to forgive. Some perpetrators resist reconciliation, fearful of the judiciary or vigilante revenge. In the case of mass murderer Tamba Joe, it is his sister Naomi who seeks reconciliation. Her brother's war crimes caused her exile. His sister is welcomed home after the Fambul Tok ceremony, but Tamba Joe remains at large.

Captain Mohammed Savage is Fambul Tok's most infamous reconciled perpetrator. Caulker tracked Savage down and found he was willing to talk on film. Savage vacillates between contesting and embracing the war crime charges against him. Watching a recorded plea by Naomi Joe, Savage shifts. The film leaves Savage's story in progress, but Terry's essay updates the saga of his restitution and reentry facilitated by Fambul Tok.

In Sierra Leone, Fambul Tok works to redress personal and community-level injustice. "What greater goodness can you describe than our willingness to forgive each other?," Caulker poses, expanding on a local adage, "There is no bad bush to put a bad child." To my non-Sierra Leonean sensibility, however, Charles Taylor and Issa Sesay could not reasonably be tried around a bonfire. A bad bush may justifiably be found for them, as determined by an impartial and competent judiciary. Caulker is thoroughly confident about the power and potential of Fambul Tok's method. The centrality of forgiveness bears a quasi-religious quality, but the organization and its work is decidedly secular. Captain Savage, Fambul Tok organizers reported, was jailed by the Sierra Leonean courts, but the more meaningful accomplishments of atonement and reintegration into Sierra Leonean life are beyond what the judiciary can provide.

Each film offers focused consideration and action in the elusive complexity of post-war justice. Both films criticize the Special Court of Sierra Leone, positioning its international financing as a drain of resources that might otherwise better serve Sierra Leone. Neither film discloses that the Special Court's funding is fully provided by donations from UN member states specifically for this war crimes tribunal. The Special Court does not divert from funds otherwise targeted for Sierra Leone, a country in need of effective international support. With the trials coming to conclusion, Special Court grounds and facilities will be transferred to Sierra Leonean government control in 2011.

Charles Taylor's trial does little to improve the lives of villagers, but a community reconciliation project also cannot indict and try a former head of state. The approaches to war crime resolution featured in these films complement each other. Sierra Leonean justice is informed by multiple traditions, acting both appropriately and imperfectly in different contexts. The justice and reconciliation methods featured in *Fombul Tok* and *War Don Don* are necessarily applied together in the aftermath, and beyond, to offer small justice to people who continue to endure pervasive corruption, dysfunctional institutions, systemic (particularly sexual) violence, vast corporate exploitation, inordinate disparities of wealth, and widespread poverty. A robust infrastructure of justice and accountability in many forms, administered by multiple agents, must support the country's recovery.

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